

Remarks

Claims 39-54, 56 and 58-60 are pending.

Claims 39-54, 56 and 58-60 stand rejected.

Claims 39-54, 56 and 58-60 are submitted herein for review.

No new matter has been added.

In the Office Action, the Examiner has continued the rejection of independent claim 46 under 35 U.S.C. § 103(a) as being unpatentable over Maloney et al. (U.S. Patent No. 5,555,299) in view of Rogers et al. (U.S. Patent No. 5,617,471). The other two independent claims 39 and 59 are also rejected as above, further in view of Bauer et al. (U.S. Patent No. 4,899,375). Applicants respectfully disagree with the Examiner's assessment and submit the following remarks in response.

Independent claims 39, 46 and 59 are directed to a method for use in a directory assistance telecommunication system. In each of the claims, the method includes a first service provider receiving from a caller a current directory request for a suggestion of a third party provider of a product or service, among a plurality of available third party providers, desired by the caller, where the third party provider is not associated with the first service provider.

The first service provider then retrieves the data concerning one or more prior directory requests by the same caller to the first service provider and utilizes at least the retrieved data concerning one or more prior requests to select a third party product or service provider, among the plurality of available third party providers, not associated with the first service provider, in response to the current request.

Independent claim 39 further recites that the caller can return to the first service provider without terminating the call, automatically, in response to a predetermined signal received by the first service provider from the caller's communications device.

Independent claim 46 further recites assigning an agent in the first service provider, where the agent communicates with the third party product or service provider on behalf of the caller to satisfy the current request.

Independent claim 59 further recites that geographical region is identified based on the record, transferring the record to a call center associated with the geographical region and identifying a third party provider of a product or service that located in the geographical region.

Turning to the Examiner's response to arguments on pages 2-3 of the Office Action, Applicants begin by noting that the Examiner argues that the Applicants' prior arguments over the prior art were based on the fact that the claims were directed to a "yellow pages" type request not found in the prior art, but that such an argument is not relevant since the Applicants did not define or claim the type of the caller's request.
(Office Action at pg 2)

Applicants respectfully disagree. There are typically two types of requests made to directory assistance systems; 1) “white pages” type requests and 2) “yellow pages (or category)” type requests.

A white pages type request is simply a request to a directory assistance system for a contact information of a specifically identified party (e.g. “May I please have the number for XYZ plumbing” or “May I please have the number for John Smith”). A yellow pages type request is a request to a directory assistance system for a commercial listing from a category of goods and services (e.g. “May I please have the number of a plumber in my neighborhood” or “May I please have the number of a hardware store”). The reply to a yellow pages request is two part, first the providing of one or more responsive listings to the requester and then the providing of the contact information.

In the present independent claims, the first element calls for,

“...a first service provider receiving from a caller a current directory request for a suggestion of a third party provider of a product or service, among a plurality of available third party providers, desired by the caller, where the third party provider is not associated with the first service provider...” (emphasis added)

This is a yellow pages request, because the caller/requester is requesting the suggestion of a third party provider of a product or service. The fact that the third party service provider is “...not associated with the first service provider” simply means that information relating to a third party is being provided to the caller by the service provider (directory system).

One of the advantages of the present system as claimed is the manner in which a directory request to select a third party product or service provider is handled. For example, upon realizing that the caller has utilized the system before, the system retrieves

the manner in which one or more prior directory requests by the same caller was handled to generate a response to a current request from the same caller.

In other words, repeat users of yellow pages type requests have their search sessions stored so that when they call back, their call history for prior yellow pages requests may be used to help select the reply to a current (new) yellow pages request. This arrangement intends to shorten the process for the caller and the system, particularly when the caller is calling back frequently with similar yellow pages requests.

In the Office Action, the Examiner disagrees with this argument. According to the Examiner, col. 9, lines 1-6 of Maloney teaches receiving, by a first provider, a call from a caller using a communication device, and in Col. 9, lines 40-44, Maloney further teaches the call including a current request for an item purchase from TIC Gourmet Food Catalog (a suggestion of a provider of a product service) desired by the caller. The only difference is that Maloney does not specifically teach that the item purchased from TIC Gourmet food Catalog is a third party provider being independent of the first service provider. In Col. 1, lines 17-27 and Col. 6, line 61 – Col. 7, line 6, Rogers teaches this limitation. (Office Action at pgs 2-3)

Applicants respectfully disagree.

Firstly, this argument for combination of the references is internally inconsistent. As noted in the prior Amendment, Maloney is directed to an improved telephone call transfer system within one entity where a buyer is directly calling a provider of goods and services.

For example, Col. 9, lines 1-7 state:

“Consider further that an in-bound call to CC 50 that serves the apparel division is a call by a customer who desires to purchase, for example, a winter coat from the apparel catalog and a selection of fine coffees from the gourmet food catalog. Within this scenario, the concepts of the preferred embodiment may follow the following script:”

This sets up the entire script description in Col. 9 as a call directly to a single entity for various items. Although there are transfers discussed in the Maloney reference they are between departments.

In addition to the fact the Maloney does not teach a request for a third party provider of goods and service it does not recall from storage the manner in which one or more *prior directory requests by the same caller to the first service provider were handled* and then utilize that data to select a third party product or service provider in response to the current request.

The description in col. 9 of Maloney at best recalls a customer profile of a caller who has previously ordered from the entity (such as the food catalog). However, nothing in Maloney suggests that, to the extent any information is recalled that it is used for utilizing that data to *select a third party product or service provider* in response to the current request. In fact, as noted above, there is no suggestion of a third party provider of goods and services at all, let alone using the manner of handling a past request for third party to assist in the providing a third party provider of goods and services in response to a current request.

To complete the rejection of the claims, the Examiner has combined the teachings of Maloney with the Rogers reference.

However, even if the reference of Maloney is combined with Rogers, even Rogers has no suggestion of a third party provider of goods and services at all. The Rogers reference, like Maloney only discusses transfers between departments (of one party/entity) at different locations such as from a service department to a sales department of the same company. For example col. 6, line 61 – Col. 7, line 6 of Rogers states:

“For example, a customer dials 1-800 number to place a call to the company ABC located in New York. After reaching the customer service representative in New York, the customer actually wants specific information on a product offered by the company ABC. Instead of the customer service representative making a generic decision on the transfer to a general sales department, a database provides the specific transfer information by looking up a telephone number for a sales representative in Phoenix assigned to the customer. Without any participation by the customer service representative in New York, the call is more efficiently transferred to the sales representative specifically handling the customer's inquiry.” (emphasis added)

Moreover, in addition to the fact that Rogers does not have anything to do with the suggestion of a third party provider of a product or service among a plurality of available third party providers, Rogers likewise does not recall from storage the manner in which one or more *prior directory requests by the same caller to the first service provider were handled* and then utilize that data to select a third party product or service provider in response to the current request.

For example, even if the party being transferred to in Rogers was technically a third party (such as a corporate subdivision etc...) it is still not a suggestion of a third party provider of a product or service among a plurality of available third party providers and it is likewise not based on the manner in which a prior directory request was handled. In Rogers such a transfer would have to be a specific transfer based on the

present call to some partner type third party within the larger entity such as a specific software manufacturer affiliated with the computer equipment.

Applicants separately note that in the last portion of the response to arguments section that the Examiner suggests that Maloney teaches the use of the caller history to assist with a current suggestion of third party provider of goods and services. However, to the extent that caller history is known and used in Maloney it is caller history within that one business not how prior directory requests for third party provider of goods and services are used to address new requests for third party providers of goods and services as outlined in more detail above.

As such, Applicants submit that even if the references were combined as suggested by the Examiner, the resulting system and method still does not teach all of the elements of the independent claims. For example, there is no teaching or suggestion in any one of Maloney, Rogers or Bauer that discloses a first service provider receiving a directory call from a caller using a communications device, the call including a current request for a suggestion of a third party provider of a product or service among a plurality of available third party providers, desired by the caller, where the third party providers are independent of the first service provider.

Likewise, there is no teaching or suggestion in any of the cited references, either alone or combined, that discloses retrieving data concerning the manner in which one or more prior directory requests by the same caller to the first service provider were handled and that data is utilized to select a third party product or service provider from among the plurality of available third party providers in response to the current request.

For at least these reasons, Applicants request that the rejection of independent


Application No. 10/766,498
Amendment Dated March 15, 2010
Reply to Office Action Dated November 13, 2009

claims 39, 46 and 59 be withdrawn. Also, as claims 40-45, 47-54, 56, 58 and 60 depend from claims 39, 46 and 59 respectively, the rejection of these claims should be withdrawn for at least the same reasons.

In view of the foregoing, Applicants respectfully submit that pending claims 39-54, 56 and 58-60 are in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that an interview would facilitate the prosecution of this Application they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By /Joseph Sofer/ 
Joseph Sofer
Reg. No 34,438
317 Madison Avenue
Suite 910
New York, NY 10017
(212) 697-2800
Customer # 39600

Dated: March 15, 2010